

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58362 of 2024**

Arising Out of PS. Case No.-445 Year-2023 Thana- CHHATAUNI District- East Champaran

=====

MUKESH KUMAR S/O SHAMBHU RAI @ SHAMBHU RAY R/O VILL -  
BARA BARIYARPUR, P.S. - CHHATAUNI, DIST - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

=====

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      04-10-2024                      Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Chhatauni P.S. Case No. 445 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise( Amendment) Act 2022

3. As per prosecution case, 53.820 litre foreign liquor was recovered from bush which is adjacent to the house of the petitioner and apprehended co-accused Chhotelal Kumar disclosed the name of the petitioner and other who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of two cases in which he is already on bail. He further submits that except disclosure of co-accused, Chhotelal Kumar, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that place of recovery is an open place which is accessible to all. He further submits that co-accused Chhotelal Kumar was apprehended with the alleged liquor at the place of occurrence and petitioner cannot be held liable for the said recovery. In the light of aforesaid facts and circumstances, no offence is made out against the petitioner under Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise



Court No. 1, East Champaran at Motihari in connection with  
Chhatauni P.S. Case No. 445 of 2023, subject to the conditions  
as laid down under Section 438(2) of the Cr.P.C.

**(Alok Kumar Pandey, J)**

vashudha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

